

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

TERRY JACKSON, d.b.a W.S.A.E &
W.C. LLC

Plaintiff,

vs.

CITY OF BOZEMAN, and GREG
SULLIVAN, City Attorney,

Defendants.

CV 18-43-BU-BMM-JCL

ORDER

On December 4, 2018, Plaintiff Terry Jackson, appearing pro se, filed a motion requesting a 180-day continuance of the preliminary pretrial conference set for January 8, 2019. The Court finds Jackson has established good cause for a continuance, but for the reasons discussed the Court deems it appropriate to grant a more limited continuance.

On July 9, 2018, Jackson lodged his complaint in this matter, together with his motion requesting leave to proceed in forma pauperis. But by Order entered September 6, 2018, the Court denied his motion. Consequently, Jackson paid his filing fee for this action on October 9, 2018.

Pursuant to Fed. R. Civ. P. 4(m), Jackson is obligated to serve his summons and complaint upon Defendants within 90 days after his complaint is filed. For purposes of Rule 4(m), the Court deems October 9, 2018, as the date his complaint

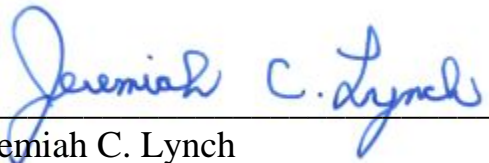
was filed. Thus, Jackson must effect service of process upon Defendants by January 7, 2019.

Because this matter has been pending since July 9, 2018, and because the Rule 4(m) deadline for service of process on Defendants is only one month away, the Court will grant a shorter continuance than what Jackson requests. Therefore, IT IS HEREBY ORDERED that the January 8, 2019 pretrial conference, and all other associated deadlines, are VACATED.

IT IS FURTHER ORDERED that the preliminary pretrial conference is reset for **March 5, 2018, at 10:30 a.m.** in the United States Magistrate Judge's Courtroom at the Russell Smith Courthouse, 201 E. Broadway, Missoula, Montana. On or before **February 5, 2018**, lead counsel for the respective parties, and any individual appearing pro se, shall confer to consider the matters listed in Fed. R. Civ. P. 26(f). And on or before **February 26, 2019**, (1) the parties shall file with the Court a written report outlining the joint discovery plan formulated at the conference, (2) each party shall file a preliminary pretrial statement, and (3) Plaintiff shall separately file a Statement of Stipulated Facts to which all parties agree, pursuant to L.R. 16.2(b)(3).

All other provisions of the Court's Order entered October 12, 2018, shall remain in effect.

DATED this 6th day of December, 2018.


Jeremiah C. Lynch
United States Magistrate Judge